

CUSTOMS PRIVILEGES FOR FOREIGN SERVICE PERSONNEL

Exchange of notes at Washington February 16, 1949
Entered into force February 16, 1949

Department of State files

The British Ambassador to the Secretary of State

BRITISH EMBASSY
WASHINGTON, D.C.
16th February, 1949

No. 76
541/20/49

SIR:

With reference to the Convention regulating the position of consular officers between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland signed this day,¹ I have the honour to refer to the terms of Article 14, which provide for exemption from taxes and duties imposed upon, or by reason of, importation in respect of articles required exclusively for the use of a consular officer or employee and members of their families.

2. It will be noted that Article 14 provides only for free importation of articles by a consular officer or employee himself, whether on first or subsequent arrival at his post, or by consignment to him at his post. His Majesty's Government in the United Kingdom are aware that under an arrangement, the terms of which were communicated orally to the United States Embassy in London in July, 1941, it was agreed that certain articles required for use of the staff of the Embassy might be imported in bulk free from customs duties and supplied to the staff through the Embassy. It is understood that the benefit of these arrangements is, at present, in the United Kingdom, extended to Consuls-General, Consuls and Vice-Consuls of the United States and other employees of the United States provided that they are permanent and pensionable employees of the United States Government and are United States citizens not engaged in any private occupation for gain.

¹ Unperfected; for text, see S. Ex. A, 81st Cong., 2d sess.

3. I desire to inform you that His Majesty's Government in the United Kingdom do not consider that it would be appropriate that provisions should be included in the Convention to give formal effect to this understanding. I have nevertheless the honour to inform you that His Majesty's Government are prepared to agree to the continuance of the existing arrangements on the understanding that the facilities for the duty-free importation apply only to food-stuffs, together with minor toilet and consumable household articles for everyday use excluding tobacco and alcoholic beverages, and that the use of these facilities is confined to the diplomatic staff of the United States Embassy, and to United States consular officers and other employees of the United States on official duty in the United Kingdom of Great Britain and Northern Ireland, provided that they possess the qualifications specified in paragraph (4) of Article 13 of the Convention. Moreover, whilst it is not the intention of His Majesty's Government to terminate this arrangement, they reserve the right, which they possess under the arrangement of 1941, at any time, after consultation with the appropriate officials of the United States Embassy, to discontinue it in whole or in part by written notice allowing reasonable time to dispose of current supplies. It is, however, accepted by His Majesty's Government that this arrangement stands outside the Convention signed today, and that the provisions of Article 14 of the Convention shall not be interpreted as precluding this arrangement.

4. This note and your reply of the same date in a similar sense shall be regarded as placing on record the understanding arrived at in this matter.

I avail myself of this opportunity to renew to you the assurance of my highest consideration,

OLIVER FRANKS

The Honourable

DEAN ACHESON,

*Secretary of State of the United States,
Washington, D.C.*

The Secretary of State to the British Ambassador

DEPARTMENT OF STATE

WASHINGTON

February 16, 1949

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of this date in which, with reference to Article 14 of the Consular Convention between the United States of America and the United Kingdom of Great Britain

and Northern Ireland, signed at Washington today, February 16, 1949, the understanding and position of His Majesty's Government in the United Kingdom are set forth with respect to the continuing extension in the United Kingdom to United States Consuls General, Consuls, and Vice Consuls of the benefit of arrangements, as communicated orally to the United States Embassy in London in July 1941, respecting the importation in bulk, free from customs duties, of certain articles required for the use of, and supplied to, the staff of the Embassy.

It is noted that, although it is considered by His Majesty's Government in the United Kingdom that it would not be appropriate to include in the Consular Convention provisions to give formal effect to these arrangements,

"His Majesty's Government in the United Kingdom are prepared to agree to the continuance of the existing arrangements on the understanding that the facilities for the duty-free importation apply only to foodstuffs, together with minor toilet and consumable household articles for every-day use, excluding tobacco and alcoholic beverages, and that the use of these facilities is confined to the diplomatic staff of the United States Embassy, and to the United States Consular officers and other employees of the United States on official duty in the United Kingdom of Great Britain and Northern Ireland, provided that they possess the qualifications specified in paragraph 4 of Article 13 of the Convention."

It is noted also that, while it is not the intention of His Majesty's Government to terminate this arrangement,

"they reserve the right which they possess under the arrangement of 1941 at any time, after consultation with the appropriate officials of the United States Embassy, to discontinue it, in whole or in part, by written notice, allowing reasonable time to dispose of current supplies",

and further that it is

"accepted by His Majesty's Government that the arrangement stands outside the Convention signed today, and that the provisions of Article 14 of the Convention shall not be interpreted as precluding this arrangement."

Your Excellency's note and this reply shall be regarded by the Government of the United States of America as placing on record the understanding arrived at in regard to this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

DEAN ACHESON

His Excellency

Sir OLIVER SHEWELL FRANKS, K.C.B., C.B.E.,
British Ambassador.